

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES BROWN,

Plaintiff,

v.

S.H. WONG,

Defendant.

Case No. 2:20-cv-01673-JAM-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH LOCAL RULES

ECF No. 70

RESPONSE DUE WITHIN TWENTY-ONE
DAYS

On May 23, 2022, defendant filed a motion for summary judgment. ECF No. 70. To date, plaintiff has not filed a response to defendant's motion.

In cases where a party is incarcerated and proceeding without counsel, a responding party is required to file an opposition or statement of non-opposition not more twenty-one days after the date the motion is served. E.D. Cal. L.R. 230(l). Failure "to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions." *Id.*

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute or failure to comply with its orders or local rules. *See Fed. R. Civ. P. 41(b); Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439,

1 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to
2 administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v.*
3 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

4 Plaintiff will be given a chance to explain why the court should not dismiss the case for
5 his failure to timely file an opposition or statement of non-opposition to defendant's motion.
6 Plaintiff's failure to respond to this order will constitute a failure to comply with a court order and
7 will result in a recommendation that this action be dismissed. Accordingly, plaintiff is ordered to
8 show cause within twenty-one days why this case should not be dismissed for failure to prosecute
9 and for failure to comply with the court's local rules. Should plaintiff wish to continue with this
10 lawsuit, he shall, within twenty-one days, file an opposition or statement of non-opposition to
11 defendant's motion.

12 IT IS SO ORDERED.
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14 Dated: June 23, 2022


15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE

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